

108TH CONGRESS
2D SESSION

H. J. RES. 89

Proposing an amendment to the Constitution of the United States regarding the appointment of individuals to fill vacancies in the House of Representatives.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2004

Mr. LARSON of Connecticut introduced the following joint resolution; which was referred to the Committee on the Judiciary

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States regarding the appointment of individuals to fill vacancies in the House of Representatives.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled*
3 *(two-thirds of each House concurring therein), That the fol-*
4 lowing article is proposed as an amendment to the Con-
5 stitution of the United States, which shall be valid to all
6 intents and purposes as part of the Constitution when
7 ratified by the legislatures of three-fourths of the several
8 States within seven years after the date of its submission
9 for ratification:

1 “ARTICLE —

2 “SECTION 1. A smaller number than the majority of
3 the House may resolve that a vacancy exists in the major-
4 ity of the number of seats of the House of Representatives
5 provided by law.

6 “SECTION 2. After the adoption of a resolution under
7 section 1, the legislature of any State in which a vacancy
8 in the membership of the House of Representatives exists
9 shall convene a special session to appoint an individual to
10 fill the vacancy.

11 “SECTION 3. If the legislature of a State does not
12 convene a special session under section 2 during the 5-
13 calendar day period which begins on the day after the date
14 the House adopts the resolution described in section 1,
15 or if the legislature convenes a special session during such
16 period but does not appoint an individual to fill a vacancy
17 in a seat during the 3-calendar day period which begins
18 on the date the legislature convenes the special session,
19 the chief executive of the State shall appoint an individual
20 to fill the vacancy.

21 “SECTION 4. An individual appointed under this arti-
22 cle shall meet the qualifications for service as a Member
23 of the House of Representatives, and shall serve as a
24 Member until an election is held to fill the original va-
25 cancy. The State shall provide for such an election at such

1 time and in accordance with such procedures as may be
2 provided by law, except that the individual appointed
3 under this article may not be a candidate in the next elec-
4 tion for the House. An individual appointed under this ar-
5 ticle shall be a member of the same political party as the
6 Member of the House who previously held the seat.

7 “SECTION 5. The procedures and requirements de-
8 scribed in sections 2 through 4 shall apply only with re-
9 spect to a vacancy existing as of the date of the adoption
10 of the resolution described in section 1 or a vacancy first
11 occurring during the 20-calendar day period which begins
12 on such date. In the case of a vacancy first occurring dur-
13 ing such 20-calendar day period, section 3 shall apply as
14 if the reference to the date on which the House adopts
15 the resolution described in section 1 were a reference to
16 the date on which the vacancy first occurs.

17 “SECTION 6. For purposes of carrying out the provi-
18 sions of this article, Congress shall have the power by law
19 to specify circumstances constituting when a vacancy hap-
20 pens in the Representation from any State in the House
21 of Representatives, and to address the incapacity of Mem-
22 bers of the House of Representatives.

23 “SECTION 7. Congress shall have power to enforce
24 this article through appropriate legislation.”.

○